

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRIAN PONTALION,

Defendant.

Case No. 20-00224-01-CR-W-DGK

ORDER

Pending is Defendant's Motion for Transportation for a Viewing. Doc. 36. Defendant asks this Court to enter an order directing the United States Marshals Service to transport him to a viewing of his father, who recently passed away. *Id.* at 1-2. In support of his motion, Defendant states, "[M]emorial arrangements, including a visitation, are scheduled on September 25, 2021, from 5:00 p.m. to 6:00 p.m. with services being held at 6:00 p.m. . . ." *Id.* at 1. Alternatively, he states his father's body "will be at the Crematory, at 1409 Illinois Avenue, Kansas City, MO 64126 for viewing, through September 30, 2021." *Id.* at 1-2. Defendant's motion states he will "submit to any and all conditions that the Court requires" and will also "pay any costs associated with the transport." *Id.* at 2.¹ Counsel for the Government indicated she did not have a position on the motion, and she would defer to the Court and the United States Marshals Service.

The record shows that in ordering Defendant's detention without bail, Judge Morris previously found by clear and convincing evidence that Defendant poses a danger to the community, and, by a preponderance of the evidence, that he presents a flight risk. Doc. 10 at 2.

¹ It is the Court's understanding the costs associated with ordering the United States Marshal's Office to transport an inmate to and from a funeral service, or for a viewing, are exceptionally high in any given case due to the security measures that must be implemented in advance of the service, during the service, and during the transportation of an inmate between the jail facility and the funeral service location.

She also noted that Defendant's criminal history includes "failures to appear, pending felony assault charges, and municipal violations for alluding." *Id.* at 3.

These are unfortunate circumstances, and the Court is sympathetic and respectful of Defendant's loss. However, as Judge Morris has previously found Defendant to be a flight risk, and a danger to the community, and due to the nature of his criminal history including failures to appear and assault charges, Defendant's Motion for Transportation (Doc. 36) is DENIED.

IT IS SO ORDERED.

DATE: September 23, 2021

/s/ W. Brian Gaddy
W. BRIAN GADDY
UNITED STATES MAGISTRATE JUDGE